

Introduced by Senator Runner

February 22, 2005

An act to amend Section 12027.1 of the Penal Code, relating to concealed firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 939, as amended, Runner. Concealed firearms.

Existing law authorizes certain peace officers and retired peace officers to receive an endorsement allowing them to carry concealed firearms, as specified.

This bill would authorize the employer of certain retired reserve peace officers, as defined, to issue an endorsement allowing those retired reserve peace officers to carry concealed firearms, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12027.1 of the Penal Code is amended
2 to read:
3 12027.1. (a) (1) Any peace officer employed by an agency
4 and listed in Section 830.1 or 830.2 or subdivision (c) of Section
5 830.5 who retired after January 1, 1981, shall have an
6 endorsement on the identification certificate stating that the
7 issuing agency approves the officer's carrying of a concealed and
8 loaded firearm.
9 (2) Any peace officer listed in Section 830.1 or 830.2 or
10 subdivision (c) of Section 830.5 who retired prior to January 1,
11 1981, is authorized to carry a concealed and loaded firearm if the

1 agency issued the officer an identification certificate and the
2 certificate has not been stamped as specified in paragraph (2) of
3 subdivision (a) of Section 12027.

4 (3) Peace officers not listed in paragraph (1) or (2) who were
5 authorized to, and did, carry firearms during the course and scope
6 of their employment as peace officers, shall have an endorsement
7 on the identification certificate stating that the issuing agency
8 approves the officer's carrying of a concealed and loaded
9 firearm.

10 (4) A retired reserve peace officer listed in paragraphs (1) and
11 (2) of subdivision (a) of Section 832.6, and who was authorized
12 to carry a firearm during the course and scope of his or her
13 appointment as a reserve peace officer, may have an endorsement
14 on the retired identification certificate stating that the issuing
15 agency approves the officer's carrying a concealed and loaded
16 firearm.

17 (5) Retired reserve peace officers not listed in paragraph (1) or
18 (2) who were authorized to, and did, carry firearms during the
19 course and scope of their employment as peace officers, may
20 have an endorsement on the identification certificate stating that
21 the issuing agency approves the officer's carrying of a concealed
22 and loaded firearm.

23 (6) The term "retired reserve peace officer" refers to a person
24 who served as a California reserve peace officer for at least 15
25 years in the aggregate and is honorably separated from service, or
26 served as a California reserve peace officer and ~~dishonorably~~
27 *honorably* separated from service due to a service-related injury
28 or illness.

29 (b) (1) An identification certificate authorizing the officer to
30 carry a concealed and loaded firearm or an endorsement on the
31 certificate may be revoked or denied by the issuing agency only
32 upon a showing of good cause. Good cause shall be determined
33 at a hearing, as specified in subdivision (f).

34 (2) A retired peace officer may have his or her privilege to
35 carry a concealed and loaded firearm revoked or denied by
36 violating any departmental rule, or state or federal law that, if
37 violated by an officer on active duty, would result in that
38 officer's arrest, suspension, or removal from the agency.

39 (3) An identification certificate authorizing the officer to carry
40 a concealed and loaded firearm or an endorsement may be

1 revoked or denied by the issuing agency only upon a showing of
2 good cause. Good cause shall be determined at a hearing, as
3 specified in subdivision (f).

4 (c) An identification certificate authorizing the officer to carry
5 a concealed and loaded firearm or an endorsement may be
6 revoked only after a hearing, as specified in subdivision (f). Any
7 retired peace officer whose identification certificate authorizing
8 the officer to carry a concealed and loaded firearm or an
9 endorsement is to be revoked shall have 15 days to respond to the
10 notice of the hearing. Notice of the hearing shall be served either
11 personally on the retiree or sent by first-class mail, postage
12 prepaid, return receipt requested to the retiree's last known place
13 of residence. Upon the date the agency receives the signed
14 registered receipt or upon the date the notice is served personally
15 on the retiree, the retiree shall have 15 days to respond to the
16 notification. A retired peace officer who fails to respond to the
17 notice of the hearing shall forfeit his or her right to respond.

18 (d) An identification certificate authorizing the officer to carry
19 a concealed and loaded firearm or an endorsement may be denied
20 prior to a hearing. If a hearing is not conducted prior to the denial
21 of an endorsement, a retired peace officer, within 15 days of the
22 denial, shall have the right to request a hearing. A retired peace
23 officer who fails to request a hearing pursuant to this paragraph
24 shall forfeit his or her right to the hearing.

25 (e) A retired peace officer, when notified of the revocation of
26 his or her privilege to carry a concealed and loaded firearm, after
27 the hearing, or upon forfeiting his or her right to a hearing, shall
28 immediately surrender to the issuing agency his or her
29 identification certificate. The issuing agency shall reissue a new
30 identification certificate without an endorsement. However, if the
31 peace officer retired prior to January 1, 1981, and was at the time
32 of his or her retirement a peace officer listed in Section 830.1 or
33 830.2 or subdivision (c) of Section 830.5, the issuing agency
34 shall stamp on the identification certificate "No CCW privilege."

35 (f) (1) Any hearing conducted under this section shall be held
36 before a three-member hearing board. One member of the board
37 shall be selected by the agency and one member shall be selected
38 by the retired peace officer or his or her employee organization.
39 The third member shall be selected jointly by the agency and the
40 retired peace officer or his or her employee organization.

1 (2) Any decision by the board shall be binding on the agency
2 and the retired peace officer.
3 (g) No peace officer who is retired after January 1, 1989,
4 because of a psychological disability shall be issued an
5 endorsement to carry a concealed and loaded firearm pursuant to
6 this ~~(g)~~ section.

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